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15 IN THE UNITED STATES DISTRICT COURT
16 FOR THE NORTHERN DISTRICT OF CALIFORNIA
17 SAN JOSE DIVISION

18 THE BILLING RESOURCE d/b/a INTEGRETAL,
19 Debtor-Plaintiff-Appellee,

20 v.
21

22 FEDERAL TRADE COMMISSION et al.,
23 Defendant-Appellant.
24

No. 5:07-CIV-5758-JW

Date: February 4, 2008

Time: 9:00 a.m.

Place: 280 S. First Street
San Jose, CA

Judge: Hon. James Ware
Courtroom: 8 - 4th Floor

25 On Appeal from the United States Bankruptcy Court for the Northern District
26 of California, No. 07-52890, Adversary Proceeding No. 07-5156 (Weissbrodt)

27 **MOTION TO EXTEND TIME FOR FILING REPLY MEMORANDUM**
28 **BY FEDERAL TRADE COMMISSION FROM JANUARY 21 UNTIL JANUARY 23, 2008**

1 Defendant-appellant the Federal Trade Commission ("Commission") hereby moves, pursuant to
2 N.D. Cal. L.R. 6-1(b), that it have until January 23, 2008, to file its reply memorandum as to its motion
3 for a stay pending appeal of the bankruptcy court's November 27, 2007, preliminary injunction. This
4 reply would otherwise be due on January 21, 2008. In support of this motion, the Commission states as
5 follows:
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7 1. On January 3, 2008, this Court granted defendant-appellant the Federal Trade
8 Commission's Motions to Expedite Consideration of its two pending motions for stays pending appeal
9 and a motion to change venue and scheduled these motions for a hearing on February 4, 2008. (Dkt
10 Item 41).
11

12 2. Under the Local Rules, the Commission's reply memorandum regarding its second stay
13 motion (as to the November 27, 2007, preliminary injunction issued by the bankruptcy court) is due on
14 January 21, 2008, fourteen days before the February 4 hearing date.
15

16 3. Counsel for the Commission has an argument before the Eleventh Circuit on January 15,
17 2008, and, as a result, counsel will not have time to work on the Commission's reply memorandum
18 until after this argument. In addition, January 21 is a federal holiday.
19

20 4. The Commission, therefore, moves that it be permitted to file its reply memorandum on
21 January 23, 2008.

22 5. Counsel for the FTC sought Debtor's consent to the relief requested in this Motion.
23 Debtor's counsel stated that Debtor has no objection to the FTC filing and serving its reply brief to
24 "Plaintiff-Appellee The Billing Resource, dba Integretel's Memorandum In Opposition To FTC's
25 Motion For Stay Pending Appeal Re Injunction Issued November 27, 2007" two days later than any
26 deadline for the FTC to file and serve such reply brief, whatever that deadline may be. Debtor's
27 counsel further stated, however, that the Debtor does not agree with the FTC's position set forth above
28

1 regarding: (1) the existing deadline, if any, for the FTC to file and serve such reply brief; or (2) that
2 this Court has set the FTC's motion for stay pending appeal of the bankruptcy court's November 27,
3 2007, preliminary injunction for hearing on February 4, 2008.
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6 /S/

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